

Lower Sioux Agency History Center

Environmental Assessment

Attachments A - C



Minnesota Department of Natural Resources
Division of Ecological & Water Resources
500 Lafayette Road, Box 25
St. Paul, MN 55155-4025

October 29, 2019

Correspondence # ERDB 20200095

Ms. Cynthia Novak-Krebs
MN DNR Ecological & Water Resources
500 Lafayette Road
St. Paul, MN 55155

RE: Natural Heritage Review of the proposed Lower Sioux MN Historical Society LAWCON Transfer,
T112N R34W Section 8; Redwood County

Dear Ms. Novak-Krebs,

As requested, the above project has been reviewed for potential effects to known occurrences of rare features. Given the project details provided with the data request form, I do not believe the proposed project will negatively affect any known occurrences of rare features.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. **If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.**

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location (noted above) and the project description provided on the NHIS Data Request Form. Please contact me if project details change or for an updated review if construction has not occurred within one year.

The Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. If needed, please contact your [DNR Regional Environmental Assessment Ecologist](#) to determine whether there are other natural resource concerns associated with the proposed project. Please be aware that additional site assessments or review may be required.

Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources. Please include a copy of this letter in any state or local license or permit application. An invoice will be mailed to you under separate cover.

Sincerely,

A handwritten signature in black ink that reads "Samantha Bump". The signature is written in a cursive style with a large, prominent 'S' and 'B'.

Samantha Bump
Natural Heritage Review Specialist
Samantha.Bump@state.mn.us

Links: DNR Regional Environmental Assessment Ecologist Contact Info
http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html

From: [Edmondson, Carol](#)
To: [Hiller, Joe H \(DNR\)](#)
Subject: Re: [EXTERNAL] Asking NPS to Concur that there is no practical alternative to a conversion
Date: Wednesday, April 10, 2019 2:26:16 PM

Hi Joe, Roger and I both reviewed it and will accept the letter. thanks, Carol

On Thu, Mar 28, 2019 at 9:57 AM Hiller, Joe H (DNR) <joe.hiller@state.mn.us> wrote:

Hi Carol,

Would the attached letter be sufficient to demonstrate there is no practical alternative to a conversion? This is for an unusual upcoming conversion that would transfer the complete Lower Sioux Agency Historic Site (27-00129) to the adjacent Indian Tribe. The Manual says NPS will only consider conversions if the State can show there is no practical alternative.

Chpt. 8. 3.a. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.

To summarize the attached letter, the State purchased this area 50 years ago to protect and interpret its history. In the intervening years, the adjacent Indian Tribe has become more cohesive and interested in taking a larger part in managing and protecting this shared history. The 'do nothing' alternative, to continue operating this site by the Minnesota Historical Society, is becoming increasingly impractical. Also, both the public and the historical resources on the site will benefit through the Tribe taking the lead role with continued cooperation by the State.

Since this is unlike any other conversion we've sent before, I'd appreciate your input.

Thanks,

Joe

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Carol A. Edmondson
Outdoor Recreation Planner
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APR 26 2018

April 25, 2018

Mr. Joe Hiller
Division of Parks and Trails
MN Dept. of Natural Resources
500 Lafayette Road
St. Paul, MN 55155-4010

**DNR Parks and Trails
Central Office**

RE: Lower Sioux Agency – Proposed Land Transfer
State of Minnesota to transfer 121 acres of LAWCON land to the Lower Sioux Indian Community
SHPO Number: 2017-0950

Dear Mr. Hiller:

Thank you for the opportunity to comment on the above project. Information received in our office on 22 March 2018 has been reviewed pursuant to the responsibilities given the State Historic Preservation Office under Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing federal regulations at 36 CFR Part 800.

Pursuant to 36 CFR 800.4-5 it is the Federal agency's responsibility to determine the area of potential effect (APE) for the federal undertaking, to identify and evaluate historic properties that may be affected by the proposed federal undertaking, and to assess adverse effects to historic properties, if any.

We have completed a review of your letter dated March 20, 2018, a submittal which included a general location map and a boundary map of the proposed conveyance of the Lower Sioux Agency Historic Site from the State of Minnesota to the Lower Sioux Indian Community. It is our understanding that the conveyance of this property out of non-recreation use, property which was acquired by the State in the 1960s utilizing federal funding from the Land & Water Conservation Fund, is considered a federal undertaking subject to review under Section 106.

Area of Potential Effect

Your March 20th letter indicates that your agency has determined that the Area of Potential Effect (APE) is the boundary of the Lower Sioux Agency as indicated on the topographic map in your submittal. We agree that this APE determination is generally appropriate to take into account the potential direct effects of the proposed undertaking as we currently understand it. It is not clear by your submittal as to whether your agency has considered potential indirect effects, including those that may be cumulative, or reasonably foreseeable future effects in your APE determination. Please clarify.

Identification of Historic Properties

Within the APE, as currently defined by your agency, we have identified the **Lower Sioux Agency**, a historic property which is listed in the National Register of Historic Places (NRHP). In fact, the boundary of the LAWCON conversion appears to be the same boundary of the NRHP-listed historic property including the Redwood Ferry site, the Stone Warehouse, and other currently identified, above-ground, built and landscape features. The historic property was listed in the NRHP in 1970 and the corresponding NRHP Nomination Form does not meet contemporary standards for identification and evaluation. In fact, as mitigation for a recent, adjacent road reconstruction project, the Minnesota Department of Transportation is completing an update to the NRHP nomination at this time. The updated nomination will consider the relevancy of existing NRHP boundaries, identification and evaluation of all contributing and non-contributing resources, including archaeological resources and consideration of historic site amenities that were constructed by the Minnesota Historical Society (MNHS)

after 1970, and an evaluation of, and appropriate determination, for the period of significance and areas of significance. It is our understanding that this updated NRHP nomination will be complete in 2019. It is our office's opinion, pursuant to 36 CFR 800.4(c)(1), that this most up-to-date NRHP documentation of this historic property will be required in order for our office to effectively complete Section 106 consultation regarding this undertaking.

Determination of Effect

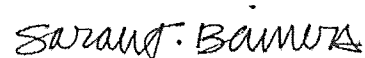
Your agency has not provided a finding of effect pursuant to 36 CFR 800. The Section 106 regulations state that the transfer or sale of a historic property out of federal ownership or control constitutes an adverse effect when undertaken without adequate and legally enforceable restrictions or conditions to ensure the long-term preservation of the property's historic significance [36 CFR 800.5(a)(2)(vii)]. Therefore, it is our office's opinion that this conversion has the potential to adversely affect the Lower Sioux Agency historic property. We recommend continuing consultation with our office in order to resolve this potential adverse effect. As a first consideration, when a historic property is transferred out of federal control and appropriate, enforceable real property restrictions or preservation conditions are placed on the property, then the federal agency is typically able to make a finding of "no adverse effect" in accordance with the Section 106 regulations.

Consulting Parties/Public Involvement

Provide a summary of agency coordination with any other consulting parties and public involvement in the Section 106 review process. As you continue consultation with our office, it will be important to consider and provide opportunities for consultation among stakeholders including our office, the MNHS, and the Lower Sioux Indian Community. Because this historic site is currently open to the public as a state historic site, it will be essential to adequately notify and involve the public in the Section 106 process for this proposed conversion.

Please feel free to contact me if you have any questions regarding our review. I can be reached at (651) 201-3290 or by e-mail at sarah.beimers@state.mn.us.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager

cc via email:

Joe Horse Capture, Minnesota Historical Society